

formal appointment to that great position—the same oath taken by Cardinal Martinelli only last week? That oath, in addition to numerous provisions of loyalty, fidelity, and in defence of the faith, prescribes that the new Cardinal will never resign; that he will never canvass for himself or others in the election of a new Pope, but that in the conclave he will vote as his conscience dictates, etc. The process of electing a new Pontiff has been so frequently published that it need not be repeated here. But it is a fact that when each Cardinal enters upon this duty, he swears a solemn oath that he has not solicited votes for himself or others, and that his ballot will be cast conformably to his conscience and best judgment. In this process of election each Cardinal is in individual seclusion. There can be no communication or consultation between them, and certainly no collusion. The election in its fairness, integrity, secrecy, and sanctity is beyond cavil or criticism and there can be no appeal from it. I believe it is a conceded fact that there has never yet been elected a Pope whose name had been previously used in public probabilities, and it would be no surprise if such would again happen.

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Summing up the situation, Dr. Croke says: 'From what has been here written it will, perhaps, strike the reader that I am discrediting the value of the London cablegram referred to. That is just what I am doing. If the oaths taken by a Cardinal have any meaning and moral solidity, then these stories about the actions of Cardinal Rampolla are the veriest nonsense and as to the Holy Father designating his successor in his will, it is impossible to believe that he would destroy the ancient and democratic form of choice, and by autocratic assumption create a precedent that would be in such direct conflict with the enlightened policy and equity of the past.'

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We have a merry laugh for the well-meaning penny-aliner who informed us through the columns of a London daily that Mr. T. P. O'Connor, M.P., 'invariably wears a sprig of shillelah in his button-hole'; and we smile good-humoredly at the blundering reporter who described acolytes at a Catholic function as bearing 'crucifers and thurifers.' But the Rome correspondents of the *London Times* and the *Daily News* commit malapropisms against Catholic doctrine and Canon Law on a much vaster scale, and make the Vatican a land of topsy-turveydom comparable to the island of El Nombre de Dios of the good old days. The world is greatly interested in learning all that takes place at the centre of government of the greatest and most powerful Christian Church. And, says Dr. Croke, 'in their eagerness to secure this knowledge there are writers in Rome for secular papers in various countries who, too impatient to await the logic or climax of events, and ever anxious to be in conspicuous favor with their respective journals, allow their own conjectures to take the place of truths, and hence the many sensational and improbable reports regarding the affairs of the Church so frequently placed in print.'

And that's the long and short of it.

Jury-packing.

PEOPLE out of Ireland have time and again smiled a slow, wise smile at the waggish definition of a jury as 'a body of men organised for the purpose of deciding which side has the smarter lawyer.' The Irish people are not exactly drowsy-headed Bæotian dullards, but the point of the joke is not so apparent to them as it is to Mr. Bull and Mr. McTonal and their sons in Australia and New Zealand. A jury so harmless in its purpose would be a veritable God-send in an Irish political or agrarian prosecution. For in all cases of this kind the procedure is the same as is laid down by the King in *Alice in Wonderland*—verdict first, trial afterwards. And one of the chief functions of the Castle-hack Crown Prosecutor is to carefully pick or pack a jury whose verdict is already determined before a scrap of the evidence has been heard. Thus, a Catholic Nationalist charged with any political or agrarian offence is tried by a jury of Protestant (or preferably Orange) Conservatives or ultra-Tories. It is like trying a Southern slaveholder during the war-fever by a jury of hot Abolitionists, or—to quote the Irish proverb—'going to law with the devil, with the court held in hell.'

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Jury-packing was attempted in England only three times during the whole of the nineteenth century. It is bone of the bone and flesh of the flesh of the judicial system in Ireland. And it is so 'proof and bulwark against sense' that it is a high crime for any one to raise his voice against it. The people must grin and bear it—like long-suffering Jobs or patient Griseldas. Mr. McHugh, M.P. for Sligo, was recently sent to prison for six months on the verdict of a packed jury of religious and political opponents for having protested in his paper against the rigid and undenied exclusion of all Catholics from a jury in his county, in which there are 90,000 Catholics and only some 7000 non-Catholics. The matter has caused a fine buzz in the British Press and Parliament. 'I have served on grand juries,' said Mr. Russell, a Protestant

M.P., in the House of Commons, 'and it is a remarkable fact that, where men were charged with murder, Catholics were invariably ordered to stand down.' On one jury on which he had served, 'more than 120 Catholics were excluded.' 'In hundreds of trials,' said the *Manchester Guardian* in a recent issue, 'Roman Catholics are "weeded out" as carefully as convicts would be here' [in England]. And the result is that trial by jury in Ireland has been traditionally 'a mockery, a delusion, and a snare.'

• Pether the Packer.

The most barefaced expert in jury-packing in Ireland in the last fifty years was undoubtedly Peter O'Brien, Q.C. He is familiarly known to the people as 'Pether the Packer.' In a land where judicial appointments are almost invariably the reward of hack-service and political dish-washing, 'Pether' was sure to rise. He is now Lord O'Brien and Chief Justice of Ireland. In the course of a leading article on his recent exploits, the *Manchester Guardian* uses the knout upon him for having disgraced the Bench by sitting in and adjudicating upon a case in which he was himself personally concerned. 'Lord O'Brien,' says the *Guardian*, 'formerly known as Peter the Packer, does not command the respect of the Irish people. He is a supple, accommodating politician, who began life as a Nationalist, and only became a Conservative when the Conservatives made it worth his while.' The *London Daily News* rib-roasts the ex-Packer even less mercifully. It describes him as a 'singular Chief Justice,' 'a fluent, ignorant Castle hack,' 'who has no obvious qualification for his office except an abundance of cheap rhetoric.' On December 3, 1889, the late Mr. Gladstone said of him in the course of a speech at Manchester: 'Well, gentlemen, what happened at the (Gweedore) trials that went on? When Father McFadden was released, other persons who were taken up at the same time were tried upon the charge of murder. They were Roman Catholics. What course was taken with regard to the jurors? The Roman Catholic jurors were all, I believe, with one single exception, ordered to stand by. Protestant juries were formed to try Roman Catholic prisoners. I have been told, indeed, that nothing could more excite public indignation in Ireland than the conduct of the Irish Attorney-General [now Lord O'Brien]. The Attorney-General has been rewarded for his packing of juries and for his mode of conducting public business by being appointed Lord Chief Justice of the Queen's Bench.'

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And people wonder why the Irish peasant is, in political cases, so generally 'agin the law.' It is simply that he has been for a few generations forced by men of the style of 'Pether the Packer' into the conviction that law is a Hass, that it is something quite distinct from justice, and that, in fact, they are frequently not even on speaking terms.

A Bad Tendency.

TRIAL by jury may be, ideally, what it is described to be in fact, the palladium of our personal liberties. The phrase is a bit of overdrawn panegyric. But, then, it has long been the fashion to sound the loud timbrel over the collective infallibility of twelve not particularly intelligent individuals put to roost in a horse-box and, as a rule, wholly unacquainted with the difficult art of sifting and weighing evidence. There is a good deal of human nature in a juror, even when hedged around by the magic structure of varnished kauri pine. He is, in varying degrees, susceptible to the political, social, religious, and personal prejudices that surround him in shop or office or street, and the door of the jury-box has nothing that does to the feelings and prepossessions of the 'good man and true' a service akin to what the foot-scraper outside the court does for his balmorals. Ideal juries are somewhat rare—about as rare as ideal men and women are. This is, perhaps, the reason why innocent persons accused of grave charges are said to display so commonly a preference for trial by a judge—but not the sort of judge that dispenses the tragic thing that has been named in a certain farcical connection 'Irish justice.'

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The exploits of hack lawyers of the 'Packer' class are happily not possible under the judicial system that prevails in these countries. We entertain a due respect for the doctrine of chances. But it is not sufficient to account for the exclusion of Catholics from juries on three recent and memorable occasions in the history of judicial procedure in these countries. We refer to the Stoke cases, to the first trial of the Coningham case, and to the charges of suborning witnesses, in connection with the latter case, laid against Abigail in Sydney. The tendency is one that will require some watching. A minority is ever more or less at the mercy of a majority; and despite certain convenient fictions of the law, Catholics might at any time, and in very easily possible circumstances, be placed at a serious disadvantage—as, for instance, in cases such as those of the Marist Brothers of Stoke, in which rampant intolerant out of Parliament and political dancing Dervishes in Parliament joined forces to howl the public into hysterics.